

## **FISCAL NOTE**

TO: Chief Clerk of the Senate  
Chief Clerk of the House

FROM: James A. Davenport, Executive Director

DATE: February 21, 1996

SUBJECT: **SB 2887 - HB 2607**

This bill, if enacted, will provide that each local board of education or superintendent, as appropriate, shall require all persons applying for a position as a teacher as defined in § 49-5-501, *or for any other position requiring proximity to school children*, to file, in writing, in advance of employment, on forms supplied by the commissioner of education or on forms provided by the local board of education or superintendent, as appropriate, an application stating whether such applicant:

1. has been convicted of a misdemeanor or a felony in this state or in any other state;
2. has been dismissed for any of the causes enumerated in § 49-2-203 or § 49-5-511; and
3. has or will provide a copy of a written resignation to the most recent local board where such person was employed at least 30 days prior to the beginning date of such person's employment with the board to which application is being made; provided, that the 30-day notice may be waived by the local board or superintendent, as appropriate, from which such person is resigning employment. The employing local board or superintendent, as appropriate, may rely upon the information submitted in writing by the applicant relative to the applicant's contractual or resignation status as being valid and accurate to meet the requirements of this section.

Language on such forms supplied to the applicant must advise him/her that the accuracy of the information provided *may* be verified by a fingerprint and criminal history records check conducted by the TBI. Any costs incurred by the TBI in conducting such investigations shall be paid by the local board of education

requesting such investigation and information; provided, however, the local board of education may require an applicant to pay such costs if the applicant is offered and accepts a position as a teacher or any other position requiring proximity to school children.

The fiscal impact on local governments from enactment of this bill in and of itself is estimated to be minimal, since the provisions of the bill are permissive.

To the extent that the number of requested investigations increase, local government\* expenditures will increase. Since it is not known how many investigations will be made, how many investigations will be paid for by the applicants, or how many investigations will be paid for by local governments, the amount of such increase cannot be determined. However, such increase is estimated to be not significant.

Further, it is estimated that enactment of the bill will result in an increase in state expenditures with a corresponding increase in state revenues to the TBI to conduct such investigations. However, such increase in state expenditures and state revenues is estimated to be not significant.

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*